

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES**

In re: Michael Robichaud d/b/a MJR Contracting

Petition No. 2003-0204-053-002

CONSENT ORDER

WHEREAS, Michael Robichaud d/b/a MJR Contracting of Milford, CT (hereinafter "respondent") has been issued license number 000379 to practice as an asbestos contractor by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 400a of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits that:

1. In or about January 2003, respondent was the asbestos contractor for an asbestos abatement project at the former Pequot Motor Inn, 3471 Post Road, Fairfield, CT (hereinafter "the property"). Said project involved the removal of approximately 9,300 square feet of asbestos containing plaster and 330 square feet of asbestos containing floor tile in connection with the demolition of a hotel and a house on the property. At the time of the Department's inspection, on or about January 31, 2003, the asbestos containing floor tile had been removed from the house and the removal of the asbestos containing plaster from multiple hotel rooms was underway.
2. On or about January 31, 2003, in connection with the asbestos abatement project at the property, respondent:
 - a. failed to notify the Department at least ten days before the start of asbestos abatement and/or to pay the requisite fees, as required by §19a-332a(c) of the

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General Statutes of Connecticut and by §19a-332a-3 of the Regulations of Connecticut State Agencies (hereinafter, "the Regulations");

- b. failed to comply with the requirements of §§19a-332a-3 to 19a-332a-12 of the Regulations, as required by §19a-332a-2 of the Regulations;
- c. failed to post warning signs at all approaches to the work area(s), as required by §19a-332a-5(a) of the Regulations, in that there were no warning signs posted at the property;
- d. failed to isolate the work area(s) from the non-work area(s) with air-tight barriers, as required by §19a-332a-5(c) of the Regulations, in that no air-tight barriers were constructed in any of the work areas;
- e. failed to remove all moveable objects from the work area(s), as required by §19a-332a-5(d) of the Regulations;
- f. failed to cover applicable floor and/or wall surfaces with polyethylene sheeting or the equivalent, as required by §19a-332a-5(e) of the Regulations, in that none of the applicable floor and wall surfaces were covered in any of the work areas and there was no polyethylene sheeting at the property;
- g. failed to restrict work area access to authorized personnel afforded proper respiratory protection and/or protective clothing, as required by §19a-332a-5(f) of the Regulations;
- h. failed to utilize clean-up procedures, involving high efficiency particulate air (hereinafter "HEPA") filtration and wet cleaning techniques, until no visible residue is observed in the work area, as required by §19a-332a-5(g) of the Regulations;

- i. failed to provide negative pressure ventilation units with HEPA filtration in sufficient number to allow at least one work place air change every fifteen minutes, as required by §19a-332a-5(h) of the Regulations, in that there were no negative pressure ventilation units at the property;
- j. failed to properly construct, operate and/or maintain a worker decontamination system, as required by §19a-332a-6(a) of the Regulations;
- k. failed to ensure that no person leave the work area(s) unless first decontaminated by showering, wet washing or HEPA vacuuming to remove all asbestos debris, as required by §19a-332a-6(b) of the Regulations, in that there was no worker decontamination shower system or HEPA vacuum at the property;
- l. failed to adequately wet all asbestos containing materials to be removed or disturbed by removal, as required by §19a-332a-7(a) of the Regulations, in that water was not used for the asbestos removal work that had occurred in the house and was not being used for the asbestos removal work underway in the hotel;
- m. failed to comply with the post abatement reoccupancy requirements of §19a-332a-12 of the Regulations, in that a licensed project monitor had not conducted the required air sampling in the house, prior to reoccupancy;
- n. failed to ensure that all asbestos abatement site supervisors and asbestos abatement workers providing services at the site are certified to do so, as required by §20-440-5(a) of the Regulations; and/or
- o. failed to ensure that all asbestos abatement site supervisors and asbestos abatement workers have their initial and current certificates at the job site, as required by §20-440-5(c) of the Regulations.

3. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400a and §§19a-332 and 19a-332a of the General Statutes of Connecticut, taken in conjunction with §§19a-332a-1, 19a-332a-2, 19a-332a-3, 19a-332a-5(a), 19a-332a-5(c), 19a-332a-5(d), 19a-332a-5(e), 19a-332a-5(f), 19a-332a-5(g), 19a-332a-5(h), 19a-332a-6(a), 19a-332a-6(b), 19a-332a-7(a), 19a-332a-12, 20-440-5(a), 20-440-5(c) and 20-440-6(b) of the Regulations.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10 and 19a-14 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14 and 19a-17 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives his right to a hearing on the merits of this matter and any right to a hearing he may have regarding any request that his license be reinstated or that a new license be issued. Respondent also waives any right that he may have to appeal or otherwise challenge the disposition of any such request.
2. Respondent's license number 000379 to practice as an asbestos contractor in the State of Connecticut is hereby revoked.
3. Respondent shall pay a civil penalty of five thousand dollars (\$5,000) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.

4. So long as respondent is not licensed as an asbestos contractor under Chapter 400a of the Connecticut General Statutes, respondent voluntarily agrees not to, directly or indirectly, hold and/or purchase any financial share, percentage, allotment, stake, or part and/or take any other interest in any asbestos business that operates and/or is licensed in the State of Connecticut. In addition, so long as respondent is not licensed as an asbestos contractor under Chapter 400a of the Connecticut General Statutes, respondent voluntarily agrees not to assume any position as an officer, director, member, manager or partner in any entity, including, but not limited to, any corporation, partnership, limited liability company, trust, partnership, unincorporated organization or the like, that operates, directly or indirectly, an asbestos business in the State of Connecticut.
5. Respondent understands and voluntarily agrees that if he seeks a new license or to reinstate license number 000379 at any time in the future, the Department shall have absolute discretion as to whether said license shall be issued or reinstated and, if so, whether said license shall be subject to conditions.
6. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
7. Respondent shall pay all costs necessary to comply with this Consent Order.
8. Upon the surrender of license number 000379, respondent shall provide the Department in writing with verification of the change of his place and/or status of employment.
9. This Consent Order is effective on the date this Consent Order is accepted by the Department.
10. Respondent understands this Consent Order may be considered as a public document and evidence of the above admitted violations in any proceeding before the Department in which his compliance with this Consent Order or with Chapters 400a or 3681 of the General Statutes of Connecticut, as amended, is at issue.

11. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.
12. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
13. Respondent permits a representative of the Legal Office of the Bureau of Healthcare Systems to present this Consent Order and the factual basis for this Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.
14. Respondent has the right to consult with an attorney prior to signing this document.

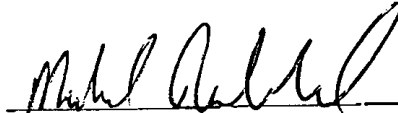
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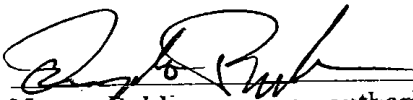
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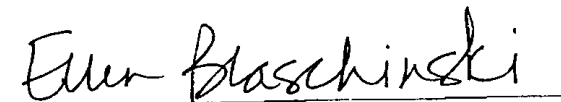
I, Michael Robichaud, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


Michael Robichaud

Subscribed and sworn to before me this 22nd day of October 2003.



Notary Public or person authorized
by law to administer an oath or affirmation
Commissioner of Superior Court

The above Consent Order having been presented to the duly appointed agent of the
Commissioner of the Department of Public Health on the 29th day of
October 2003, it is hereby accepted.


Ellen Blaschinski, Director
Division of Environmental Health
Bureau of Regulatory Services

s:llf/MJR/CO

The above Consent Order having been presented to the duly appointed agent of the
Commissioner of the Department of Public Health on the 5th day of
November 2003, it is hereby accepted.



Donald H. Levenson, Esq.
Hearing Officer

s:llf/MJR/CO